

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 23 2024

THE ESTATE OF ISABELLA "BELLA"
HERNDON; et al.,

Plaintiffs-Appellants,

v.

NETFLIX, INC.,

Defendant-Appellee.

No. 22-15260

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

D.C. No. 4:21-cv-06561-YGR
Northern District of California,
Oakland

ORDER

At oral argument, the parties should be prepared to address the following issues:

1. Whether the meaning of the phrase “limitations period” in California Code of Civil Procedure § 366.1, which provides that a survival action may be commenced before the expiration of the later of “[s]ix months after the person’s death” or “[t]he limitations period that would have been applicable if the person had not died,” is ambiguous.

2. The impact, if any, of the Supreme Court of California’s decision in *Weirum v. RKO Gen., Inc.*, 539 P.2d 36, 39 (Cal. 1975), on whether Netflix had a duty of care.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT